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GOVERNMENT OF INDIA

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Part II - Section 3

केन्द्र-शासित प्रदेश लद्दाख प्रशासन
ADMINISTRATION OF UNION TERRITORY OF LADAKH

STANDARD OPERATING PROCEDURE FOR PROSECUTION SANCTION UNDER SECTION 218(1) OF THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023

Subject: Standard Operating Procedure (SOP) for prosecution sanction under section 218 of *Bharatiya Nagarik Suraksha Sanhita, 2023*.

Objective: The objective of this Standard Operating Procedure (SOP) is to provide guidelines for observing timelines for issuance of prosecution sanction as required under section 218 of *Bharatiya Nagarik Suraksha Sanhita, 2023.*

Scope: This SOP is applicable in respect of person, who is or was a judge or Magistrate or a public servant not removable from his office save by or with the sanction of the Government (Centre or State, as the case may be) is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such

offence except with the previous sanction save as otherwise provided in the Lokpal and Lokayuktas Act, 2013

Procedure for seeking and issuance of prosecution sanction:

1. That the investigating officer or the SHO concerned shall submit a detailed report along with all relevant evidence/documents collected during investigation, which is necessary to prove the offence against the Public Servant (as mentioned in scope above) through proper channel to the Senior Superintendent of Police, UT of Ladakh, who further submit the same to the Administration of the UT of Ladakh through Director General of Police, UT of Ladakh for seeking the sanction for prosecution as required under Section 218 of *Bharatiya Nagarik Suraksha Sanhita, 2023.*

2. That no sanction shall be required in case of a public servant accused of any offence alleged to have been committed under section 64, section 65, section 66, section 68, section 69, section 70, section 71, section 74, section 75, section 76, section 77, section 78, section 79 section 143, section 199 or section 200 of the *Bharatiya Nyaya Sanhita, 2023*.

3. That in case, the Administration of the UT Ladakh fails to take a decision within a period of 120 days from the date of receipt of the request for sanction, the sanction shall be deemed to have been accorded by such Administration of the UT Ladakh.

Sd/-
(डॉ पवन कोतवाल, भ प्र से / Dr. Pawan Kotwal, IAS)
मुख्य सचिव/Chief Secretary/
प्रशासनिक सचिव /Administrative Secretary
गृह विभाग /Home Department

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(अनुपम भारद्वाज, ज क प्र से / Anupam Bhardwaj, JKAS)
अवर सचिव/ Under Secretary

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